



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/15/05

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of Ordinance Amending Ordinance No. 89-057 C.S., as Amended, the Mobilehome Space Rent Stabilization Ordinance

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the February 8, 2005, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Quirk, Halliday, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on February 12, 2005. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY COUNCIL
OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING ORDINANCE NO. 89-057 C.S., AS AMENDED, THE
MOBILEHOME SPACE RENT STABILIZATION ORDINANCE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 4(b)(2) of Ordinance No. 89-057 C.S., as amended, is further amended to add Subsection (v) as follows:

“(v) the following statement: Pursuant to Section 11 of the Mobilehome Space Rent Stabilization Ordinance, a mobilehome park owner may not attempt to recover possession of a mobilehome space based on the failure of the resident to pay the contested portion of the proposed space rent increase.”

Section 2. Section 4(e) of Ordinance No. 89-057 C.S., as amended, is further amended as follows:

“(e) Improper Collection of Rents. A Park Owner who fails to provide a Tenant or Prospective Tenant the information, documents, or notices required by this Section shall not be entitled to collect any rent increase otherwise authorized by this ordinance from that Tenant or Prospective Tenant nor to any rent increase that might otherwise be awarded by an Arbitrator and such failure by the Park Owner shall be a defense in any action brought by the Park Owner to recover possession of a mobilehome space or to collect any rent increase from the Tenant.”

Section 2. Section 5 (c) of Ordinance No. 89-057 C.S., as amended, is further amended by removing the language as follows:

“(c) Upon the filing of a petition, the proposed rent increase shall be paid to the Park Owner in trust pursuant to the provisions of Section 10 (c) of this ordinance until the petition is abandoned, or the rent increase is sustained by the Arbitrator, or the rent increase is sustained by a court of final jurisdiction.”

Section 3. Section 10 (a) of Ordinance No. 89-057 C.S., as amended, is further amended as follows:

“(a) If a final decision by an Arbitrator finds that a proposed increase or any portion thereof that was previously inoperative is justified, the Tenant shall pay the amount found justified to the Park Owner in accordance with the decision of the Arbitrator including the effective date of the proposed space rent increase.”

Section 4. Sections 10 (c) (1), (2), and (3) of Ordinance No. 89-057 C.S., as amended, is removed in its entirety.

Section 5. Section 10 (d) of Ordinance No. 89-057 C.S., as amended, is removed in its entirety.

Section 6. Section 11 of Ordinance No. 89-057 C.S., as amended, is further amended as follows:

“The failure of a Tenant to pay a space rent increase which is the subject of a Petition for Space Rent Arbitration as provide for under Section 5 of this ordinance shall not be a basis for the Park Owner to recover possession of a mobilehome space. Such refusal to pay may be a defense in any action brought to recover possession of a mobilehome space or collect the rent increase. “

Section 7. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 8. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption

Introduced at a regular meeting of the Hayward City Council held February 8, 2005, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on February 15, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: February 12, 2005

Angelina Reyes, City Clerk
City of Hayward